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Rec'd
9-30-03
K. Panell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Nationalization
Application of PCT/JP00/04763

Akira YUMOTO

Art Unit: 2673

Serial No. 09/787,036

Examiner: L. Lao

Filed: August 13, 2001

For: CURRENT DRIVE CIRCUIT AND DISPLAY DEVICE USING THE SAME,
PIXEL CIRCUIT, AND DRIVE METHOD

PETITION UNDER 37 C.F.R. §1.144

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

This is a petition under 37 C.F.R. §1.144 requesting review of a restriction requirement made by the Examiner in the Office Action of April 22, 2003, traversed within the Reconsideration Of Restriction Requirement Under 37 C.F.R. §1.143 filed on May 21, 2003, and made final within the Office Action mailed on August 7, 2003.

The restriction requirement of April 22, 2003 asserts an existence of the following independent and distinct inventions:

Species I, illustrated in figures 5-8, 15-17, 18-24, 26-27;

Species II, illustrated in figures 9-14.

The restriction requirement further asserts the existence of claims 1, 26, 46, 66, 104, 142 as generic claims.

The Applicant, through its representatives and attorneys, hereby provisionally elects, with traverse, the invention of the alleged Species II having claims 1-2, 14-17, 26, 28, 32, 35-37, 42, 46, 48, 52, 55-57, 62, 66-67, 82-87, 104-105, 120-125, 142-143, 149-154.

For the reasons provided hereinbelow, the restriction requirement made within the Office Action mailed on April 22, 2003 is respectfully traversed.

The above-identified application is an application under 35 U.S.C. §371.

M.P.E.P. §1893.03(d) provides that the principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application.

Unity of invention, not restriction practice, is applicable in international applications and in national stage (filed under 35 U.S.C. §371) applications.

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. M.P.E.P. §1893.03(d).

(1) List the different groups of claims:

The restriction requirement of April 22, 2003 lists species I, as illustrated in figures 5-8, 15-17, 18-24, 26-27; and further lists species II, as illustrated in figures 9-14.

(2) Explain why each group lacks unity with each other group:

The restriction requirement of April 22, 2003 contends that the application contains claims directed to patentably distinct species of the claimed invention.

In response, M.P.E.P. §1893.03(d) further explains that a group of inventions is considered linked to form a single general

inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression "special technical feature" is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

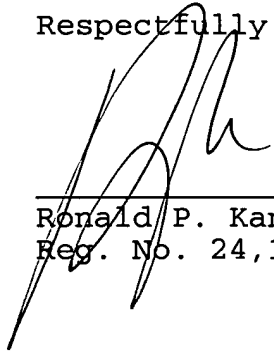
The restriction requirement asserts the existence of claims 1, 26, 46, 66, 104, 142 as generic claims. But being generic is an admission that the special technical features found within claims 1, 26, 46, 66, 104, 142 are common or corresponding to both species I and species II. Thus, evidence of least one common or corresponding special technical feature between the species is provided as a result.

As shown hereinabove, at least one common or corresponding special technical feature exists between species I and species II. Thus, a unity of invention exists and restriction is improper.

Applicant requests that the Commissioner exercise his supervisory authority under 37 C.F.R. §1.144 and withdraw this improper restriction requirement.

No fee is believed to be required in connection with this petition. However, if any fee is required, authorization is given to charge Deposit Account 18-0013.

Respectfully submitted,



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Reg. No. 24,104

DATE: September 11, 2003

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